

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

VOLUNTEERS OF AMERICA GREATER
NEW YORK, INC.

Employer

and

Case 22-RC-067527

DISTRICT 1199J, NUHHCE, AFSCME, AFL-CIO
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

CRAIG BECKER, MEMBER

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C., December 23, 2011.

¹ We have been administratively advised by the Region that the Petitioner's showing of interest is sufficient.

In denying review, we note that the Employer offers the same arguments regarding the Board's assertion of jurisdiction as in Volunteers of America Greater New York, Inc., 2-RC-23489, 2-RC-23490, 2-RC-23491, rev. den. Aug. 12, 2010. We further note that the Employer stated at the hearing that it would not offer any substantially new or different evidence than it offered in the Region 2 case.

Consistent with the Board's Order denying the request for review in the Region 2 case, we point out that even assuming University of Great Falls v. NLRB, 278 F.3d 1335, 1343 (D.C. Cir. 2002), governs the exercise of the Board's jurisdiction over religiously affiliated educational institutions, we nonetheless would find it appropriate to assert jurisdiction here. The function involved in this case—providing residential community released reentry services to clients—is not religious education, and the petitioned-for employees are not teachers. We find that the sensitive issues raised by the Board's assertion of jurisdiction over religiously affiliated educational institutions are not present in this case. See, e.g., Salvation Army, 345 NLRB 550 (2005).